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EXAMINER

TOPGYAL, GELEK W

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/578,376
Filing Date: May 05, 2006
Appellant(s): PENG ET AL.

Gregory L. Thorne
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/14/2011 appealing from the Office action mailed 2/1/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-20 are pending in this application. Claims 1-20 are rejected in the Final Office Action mailed 2/1/2011.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

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subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 5,732,185	HIRAYAMA ET AL	3-1998
US 7,379,661	LAMKIN ET AL	5-2008
US 7,286,747	LEWIS ET AL	10-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-2, 4-5, 8-11 and 13-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US 5,732,185) in view of Lamkin et al. (US 7,379,661).

Regarding claim 1, Hirayama et al. teaches a method for playing content having a story line (col. 9, lines 15-31 teaches of story lines) including a plurality of distinct branches (col. 9, lines 15-31 teaches of at least 3 story lines) on a playback device (Fig. 1, "Apparatus"), the plurality of distinct branches leading to a respective plurality of diverged endings of the content story line (col. 9, lines 15-31 teaches of at least 3 story lines regarding three separate "heroes", in the example, the story (illustrated in Fig. 9A-D) has distinct story lines for each "hero", therefore the respective stories have different content and therefore endings. The multi-scene stories are each recorded in separate camera angle storage areas (Fig. 3B)), the method comprising acts of: on the playback device:

However, Hirayama fails to teach further limitations of detecting a branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback; and creating a bookmark corresponding to the detected branch indication to record relevant information of said branch indication including which one of the plurality of distinct branches to continue for playing the content, wherein each branch indication of the played content has a corresponding created bookmark, wherein subsequent playing of the content is guided by the created bookmarks.

In an analogous art, Lamkin et al. teaches a similar method for playing content having a plurality of distinct branches playable on a playback device including the acts of:

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detecting a branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback (col. 21, lines 25-29 teaches that in the process of having to create a bookmark, the system "records the necessary information to return to the same point in the video playback of the video (1502) by recording the title number, time position, chapter, **angle**.." In order for the system to fetch the "necessary information", the system has to **detect** the particular angle (i.e. branch indication) for which a bookmark is to be created); and

creating a bookmark, corresponding to the detected branch indication, to record relevant information of said branch indication, including which one of the plurality of distinct branches to continue for playing the content, wherein each branch indication of the played content has a corresponding created bookmark, wherein subsequent playing of the content is guided by the created bookmarks (As discussed above, once the system detects the particular angle (i.e. branch indication), Lamkin et al. teaches in col. 21, lines 21+ and col. 13, lines 38-51 teaches of **creating/storing** a multitude of information regarding the point at which the user decides to create a bookmark. The bookmark information includes among others, the ability **to mark a particular "Angle, Angle (1-9)"** being reproduced. Therefore, during playback, the user can use the Bookmark to jump back to the specific Angle that was being reproduced. Col. 53, lines 65-12 teaches of a "GotoBookmark" feature: "GotoBookmark returns to the same position on the disc as when the bookmark was set". The bookmark information therefore identifies a specific branch upon selection from a user. Therefore the limitation

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of "wherein each branch indication of the played content has a corresponding created bookmark" is met the plurality of bookmarks that a user creates throughout the video content, especially during portions where multiple angles of data exist).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to detect a branch indication, create a bookmark corresponding to the detected branch indication and to subsequently play the content guided by the created bookmarks as taught by Lamkin into the multiple stories stored in camera angle storage areas as taught in Hirayama because said incorporation allows for the benefit of allowing a user to trigger various user operations thus creating a "richer, more interactive" experience for the users (col. 4, lines 33-49).

Regarding claim 2, Lamkin et al. teaches the claimed further comprising acts of: identifying a bookmark corresponding to the branch indication passed during a forward/rewind operation of the playback device (as discussed in claim 1 above, the user can identify the points at which to create a bookmark and similarly upon reproduction **while the video is played** back during a playback operation, the user can decide to playback from a desired bookmark using the "GoToBookmark" instruction. The user can operate a forward/rewind operation (e.g. col. 81, lines 24-25 teaches of fast forward and fast reverse buttons selectable by a user) and after passing a point where a bookmark has been placed, the user can initiate the process of playing back video using a bookmark as taught by the "GotoBookmark returns to the same position on the disc as when the bookmark was set" discussion in col. 53, lines 65-12. Therefore, the user identifies the bookmark during a forward/rewind operation); and

selecting a specific branch of the content to forward/rewind the content according to the information of the bookmark as the navigation (col. 53-54 teaches of “GotoBookmark” instruction, which is the command generated when a user decides to playback the video from the desired bookmarked location, in doing so, the content is jumped to the location of the bookmark. Therefore, since the angle information is also stored in the bookmark, the specific branch (i.e. angle) is reproduced). The prior motivation as discussed above is incorporated herein.

Regarding claim 4, Hirayama et al. teaches a method for playing content having a story line (col. 9, lines 15-31 teaches of story lines) including a plurality of distinct branches (col. 9, lines 15-31 teaches of at least 3 story lines) on a playback device (Fig. 1, “Apparatus”), the plurality of distinct branches leading to a respective plurality of diverged endings of the content story line (col. 9, lines 15-31 teaches of at least 3 story lines regarding three separate “heroes”, in the example, the story (illustrated in Fig. 9A-D) has distinct story lines for each “hero”, therefore the respective stories have different content and therefore endings. The multi-scene stories are each recorded in separate camera angle storage areas (Fig. 3B)), the method comprising acts of: on the playback device:

However, Hirayama fails to teach detecting a branch indication while playing the content, the branch indication identifying a branch of the plurality of distinct branches of the content selected for playback; and creating a bookmark corresponding to the detected branch indication to record relevant information of said branch indication including which one of the plurality of distinct branches to continue for playing the

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content, wherein each branch indication of the played content has a corresponding created bookmark, wherein subsequent playing of the content is guided by the created bookmarks.

In an analogous art, Lamkin et al. teaches a similar method for playing content having a plurality of distinct branches playable on a playback device including the acts of:

detecting an interruption or pause during navigation of the distinct branches of the content selected for playback (col. 21, lines 21+ and TABLE 1 teaches of the standard DVD that has multiple angles (1-9) that can be stored, the multiple angles are distinct branches of the content unique from one another. The content has a plurality of different paths that can be reproduced by a playback device. The ability of the user to set a bookmark also meets the claimed "interruption". Furthermore, this limitation is also met when the user may also "Pause" (col. 81, line 21) the video, prior to creating a bookmark at the paused location); and

creating a bookmark corresponding to an interruption or pause of the playing to record relevant information of the interruption point or pause point including neighboring for-and-aft position parameters, wherein the bookmark identifies a branch of the plurality of distinct branches of the content selected for playback and subsequent playing of the content (As discussed above, once the system detect the particular angle (i.e. branch indication), Lamkin et al. teaches in col. 21, lines 21+ and col. 13, lines 38-51 teaches of **creating/storing** a multitude of information regarding the point at which the user decides to create a bookmark. The bookmark information includes among others, the

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ability to mark a particular "Angle, Angle (1-9)" being reproduced. The bookmark information also stores "TitleNumber" and "Elapsed Time" which identifies a title and the **point in time** where the bookmark is created, therefore parameter "Elapsed Time" meets the claimed "neighboring fore-and-aft position parameters" since it indicates the location of where the Disc needs to be read to access the data identified by the bookmark. Therefore, during playback, the user can use the Bookmark to jump back to the specific Angle that was being reproduced. Col. 53, lines 65-12 teaches of a "GotoBookmark" feature: "GotoBookmark returns to the same position on the disc as when the bookmark was set". The bookmark information therefore identifies a specific branch upon selection from a user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to detect a branch indication, create a bookmark corresponding to the detected branch indication and to subsequently play the content guided by the created bookmarks as taught by Lamkin into the multiple stories stored in camera angle storage areas as taught in Hirayama because said incorporation allows for the benefit of allowing a user to trigger various user operations thus creating a "richer, more interactive" experience for the users (col. 4, lines 33-49).

Regarding claim 5, Lamkin et al. teaches the claimed wherein the information stored in the bookmark includes at least one a name or an ID of the optical disc (TABLE 1 in col. 21 teaches of "TitleNumber" that is stored as part of Bookmark information). The prior motivation as discussed above is incorporated herein.

Claims 8-9 are rejected for the same reasons as discussed above in method claims 1-2, respectively, furthermore, Lamkin teaches in col. 5, lines 44-49 of “any device capable of playing any media disk” and col. 9, lines 28-58 teaches a “DVD Device 602” according to the embodiment/invention which meets the claimed optical disc player. The prior motivation as discussed above is incorporated herein.

Claim 10 is rejected for the same reasons as discussed in claims 1 and 8 above.

Claims 11 and 16 are rejected for the same reasons as discussed in claims 1 and 8 above and furthermore, col. 54 teaches the storing of bookmarks (“SaveBookmark” operation) on the device. The prior motivation as discussed above is incorporated herein.

Claim 13 and 14 are rejected for the same reasons as discussed above in claims 4 and 6, respectively.

Claim 15 is rejected for the same reasons as discussed in claims 13 and 4 above.

Regarding claims 17 and 19, the system of Lamkin et al. teaches that a DVD includes multiple angles that can be played back (col. 21, lines 21+, col. 13, lines 38-51, col. 82, lines 4-5 and TABLE 1 teaches of the standard DVD that has multiple “angles (1-9)”), Lamkin furthermore teaches in col. 101, lines 37-60 of “angles to be set to those currently available”. It is taught in col. 101, line 46, that a particular “Angle is set” to playback. This therefore teaches a predefined branch indication since during playback, the particular “Angle” that is set is played. As discussed in claim 1 above, wherein a

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branch indication (one of the Angles (1-9)) is detected, that particular Angle is stored as a branch indication. The prior motivation as discussed above is incorporated herein.

Claims 18 and 20 are rejected for the same reasons as discussed in claim 4 above.

3. **Claims 3, 6-7 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama et al. (US 5,732,185) in view of Lamkin et al. (US 7,379,661) and further in view of Lewis et al. (US 7,286,747).

Regarding claim 3, the proposed combination of Hirayama and Lamkin et al. teaches the limitations as discussed in claim 1 above, however fails to teach the claimed further comprising showing the bookmark corresponding to a branch point when meeting the branch point to provide user with a choice.

In an analogous art, Lewis teaches of a display in Fig. 4 that allows the display of the "Mark 1 through 9" according to the branch when it is set, and further upon playback from the branch point.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lamkin et al. to display the bookmarks corresponding to the branch indications for selection/manipulation as taught by Lewis et al. into the proposed combination of Hirayama and Lamkin et al. because such incorporation would allow a user to view the different bookmarks at one time (Lewis, abstract and Fig. 4) and to "avoid the inconvenience of manipulating the fast forward or reverse commands to reach a precise point desired" (col. 1, lines 59-61).

Claim 6 is rejected for the same reasons as discussed in claims 3-5 above.

Regarding claim 7, the proposed combination of Hirayama and Lamkin et al. as discussed above and furthermore, Lamkin et al. teaches the claimed further comprising acts of: determining the information of the bookmark if the information stored in the bookmark includes the name or ID of the optical disc which is played (col. 21, lines 5-11 and lines 36-44 teaches of "Disk Cookie" includes "unique ID" and "ID field" (based on DISC.ID). The "Disk Cookie" stores the bookmarks and therefore, the bookmarks generated and stored in the "Disc Cookie" includes the name or ID of the optical disc. Upon reproduction, it is determined that the bookmark stored in the "Disc Cookie" includes the name or ID of the optical disc when the "GotoBookmark" instruction is instructed by the user); and selecting a specific branch to forward/rewind using the information stored in the determined bookmark for navigation of the content (col. 53-54 teaches of "GotoBookmark" instruction, which is the command generated when a user decides to playback the video from the desired bookmarked location, in doing so, the content is jumped (Fast Forward/Reverse) to the location of the bookmark. Therefore, since the angle information is also stored in the bookmark, the specific branch (i.e. angle) is reproduced). The prior motivation as discussed above is incorporated herein.

Claim 12 is rejected for the same reasons as discussed in claims 1, 3 and 8 above, and furthermore, Lewis et al. teaches the ability to jump between sets of bookmarks in col. 5, lines 21-25 and col. 6, lines 5-14 to reach the desired points. It would have obvious to one of ordinary skill art at the time of the invention to jump between sets of bookmarks as taught by Lewis et al. into the system of Lamkin et al. because such incorporation would allow a user to view the different bookmarks at one

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time (Lewis, abstract and Fig. 4) and to “avoid the inconvenience of manipulating the fast forward or reverse commands to reach a precise point desired” (col. 1, lines 59-61).

The prior motivation as discussed above is incorporated herein.

(10) Response to Argument

A. In re pages 13-14, appellant argues the Hirayama's “program story bar of “0”” (Hirayama: col. 6, lines 16-19) is not a part of any of the stories and is merely an initial scene selection menu. This is argued because said preamble of claim 1 recites “a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line”. Furthermore, appellant argue that Hirayama teaches in Figs. 9A-D that the multiple stories have a common end in “program bar #6”.

In response, the examiner respectfully disagrees. Col. 6, lines 16-19 of Hirayama teaches of displaying a menu selection screen at the end of displaying “program bar #0”, there's no recitation that program bar #0 is not related to the content story line. Further, Fig. 3B and col. 9, lines 6-35 teaches the manner in which the multi-scene story is generated during recording. It can be seen that the stories are related since all the three stories (Camera #0, #2, #3 shoots separate videos to be used for different program movement (“multi-scene stories”)) shares content story lines of “Program bar #0, #3, #7, etc.. Figs. 9A-D teaches of multi-story stored as different program movements within respective PIF tables. Furthermore, as to the argument that Hirayama teaches a common end, it is still the position of the examiner that it is not stated in the claim when the story actually begins and when it actually end. Therefore, it is the position that if a reproduction ends after program bar #5 for story #1, after

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program #3 in story #2 and after program bar #4 in reproducing story #3, the endings are in fact different. Additionally, when the reproduction of a particular story ends, it can be considered that the entire story has ended as well, therefore, a user may request the device to stop reproduction at any point in time during program bar #5 for story #1, during program #3 in story #2 and during program bar #4 in reproducing story #3.

The examiner would make note of record that the limitation in question is taught by appellants in pages 1-5 of the instant specification as being well known and old in the art. Hirayama and Lamkin are prior art old in the video recording art that perform similar functions to allow for the recording of multiple stories across multiple angle storage areas within the standard DVD specification.

B. In re page 13-15, the appellants argue that the argument above is moot because the examiner (in page 3, second paragraph of the Final Office Action) admits that Hirayama does not disclose the acts of “the branch indication identifying a branch of the plurality of distinct branches of the content for playback” and “detecting a branch indication while playing the content” and that Lamkin is instead relied upon to teach that which is missing from Hirayama. In doing so, applicants then argue that Lamkin fails to teach the limitations of “a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line”. Furthermore, since branches are argued to be missing from Lamkin, further limitations of “detecting a branch indication ... and creating a bookmark ... “are not taught by Lamkin.

In response, the examiner respectfully disagrees. In looking at claim 1, Hirayama is relied upon to teach the preamble, however, does not teach the remainder of claim 1.

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Therefore, the examiner's response to appellant's first argument above is not moot.

Both Hirayama (Fig. 3B and col. 9, lines 15-31) and Lamkin (col. 21, lines 21+ and col. 13, lines 38-51: "Angle, Angle (1-9)") are analogous DVD recording/playback devices that both teach the ability to playback DVD content stored in various angle data.

Hirayama is more specific in that Hirayama teaches that multiple stories with different endings may be stored within angle data, Lamkin fills in the missing by teaching that the angle information can be stored within bookmark information. The bookmark information is later used for reproduction purposes, Lamkin teaches in col. 21, lines 25-29 that the system "records necessary information to return to the same point in the video playback by recording ...chapter, **angle** ...". Therefore the combined system allows for the specific branch (Hirayama's story#1, #2 or #3 stored within separate program movements (PIF table)) to be stored within bookmark information (within Lamkin: see col. 21, lines 25-29). Lamkin is therefore not relied upon to teach the limitation of "a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line". Since Hirayama has always been relied upon to teach the plurality of distinct branches, Lamkin teaches the remaining limitations of "detecting a branch indication ... and creating a bookmark ... "(as discussed in the prior art rejection above).

C. In re page 14, appellants argue that "Bookmarks are not Branches" and that "Angles are not Branches".

In response, the examiner respectfully disagrees. In page 4 of the Final Office action, the examiner clearly stated "col. 21, lines 25-29 teaches that in the process of

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having to create a bookmark, the system "records the necessary information to return to the same point in the video playback of the video (1502) by recording the title number, time position, chapter, angle.." In order for the system to fetch the "necessary information", the system has to detect the *particular angle (i.e. branch indication)* for which a bookmark is to be created". The examiner contends that the system detecting the particular angle meets the claimed "detecting the branch indication". Lamkin's system has to detect the particular angle prior to creating a bookmark for storing the angle information. In response, to the latter argument of argument C, the response to argument B is referenced because Lamkin is not relied upon to teach the limitation of "a story line including a plurality of distinct branches ... leading to a respective plurality of diverged endings of the content story line".

D. In re page 16, the appellants argue that the introduction of Lewis into the proposed combination of Hirayama and Lamkin fails to remedy the alleged deficiencies of Hirayama and Lamkin.

In response, the examiner respectfully disagrees. As discussed above, the proposed combination of Hirayama and Lamkin does indeed teach the limitations of claim 1. Therefore Lewis is not relied upon to that which is alleged to be deficient from Hirayama and Lamkin.

E. In re pages 15-16, the appellants argue that the proposed combination of Hirayama and Lamkin fails to teach the limitations of claims 4, 8 and 13 for the same reasons as argued in claim 1 above.

In response, the examiner respectfully disagrees. As discussed above, the proposed combination of Hirayama and Lamkin does indeed teach the limitations of claim 1. Therefore claim 4, 8 and 13 also remain rejected over Hirayama and Lamkin.

F. In re page 16-17, the appellants argue that the proposed combination of Hirayama, Lamkin and Lewis fails to teach the limitations of claims dependent on independent claims 1, 4, 8 and 13 for the same reasons as argued in claim 1 above.

In response, the examiner respectfully disagrees. As discussed above, the proposed combination of Hirayama and Lamkin does indeed teach the limitations of claim 1. Therefore claims dependent on independent claims 1, 4, 8 and 13 also remain rejected over Hirayama, Lamkin and in view of Lewis.

G. In re page 16-17, the appellants argue that the proposed combination of Hirayama, Lamkin and Lewis fails to teach the limitations of dependent claims 3, 6-7 and 12 for the same reasons as argued in claim 1 above.

In response, the examiner respectfully disagrees. As discussed above, the proposed combination of Hirayama and Lamkin does indeed teach the limitations of claim 1. Therefore dependent claims 3, 6-7 and 12 also remain rejected over Hirayama, Lamkin and in view of Lewis.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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/GELEK W TOPGYAL/

Examiner, Art Unit 2481

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2481

Conferees:

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